

Explanatory Memorandum to the School Teacher Appraisal (Wales) (Amendment No 2) Regulations 2009

This Explanatory Memorandum has been prepared by the Department for Children, Education, Lifelong Learning and Skills and is laid before the National Assembly for Wales in accordance with Standing Order 15.2.

(i) Description

This instrument corrects drafting errors made in the original The School Teacher Appraisal (Amendment) (Wales) Regulations 2009 (WSI 2009/2159 (W.183)).

(ii) Matters of special interest to the Subordinate Legislation Committee

This submission is required to support the publication of Regulations (S.I 2009 No. 2159 (W.183) and corrects drafting errors in the text of the original Regulations that were highlighted by the Subordinate Legislation Committee and reported under Standing Order 15.2.

(iii) Legislative Background

The Regulations are made using powers of the Welsh Ministers under sections 131 and 210 of the Education Act 2002. The power to make regulations in those sections by implication includes power to amend regulations and follows the negative resolution procedure.

(iv) Purpose and intended effect of the legislation

The original Regulations amend the School Teacher Appraisal (Wales) Regulations 2002 (S.I. 2002 No 1394 (W 137)) (“the 2002 Regulations”). The 2002 Regulations were amended to bring within scope the appraisal of the performance of those who are currently outside the existing regulations: -

- Nursery school teachers;
- Teachers employed by local authorities for more than one school term;
- Teachers employed by local authorities who are not attached to one particular school; and
- Teachers who teach outside school settings

The School Teacher Appraisal (Wales) (Amendment No 2) Regulations 2009 correct drafting errors in the School Teacher Appraisal (Amendment) (Wales) Regulations 2009 as identified by the subordinate legislation committee. The Regulations also make two amendments to clarify that teachers employed at two or more schools, whether employed by local education authorities or by the governing bodies of schools, are to be appraised at each school.

(v) Implementation

Correction of the relevant drafting errors will avoid ambiguity.

(vi) Consultation

Consultation not required as the minor changes required will not affect stakeholders.

(vii) Regulatory Impact Assessment –

A Regulatory Impact Assessment has not been prepared as the amendment referred to in this Order has no impact on the costs of business and simply makes technical amendments to existing regulations.